

1 JESSE F. RUIZ [SBN. 77984]
jfr@robinsonwood.com
2 ANNE BAILEY MILLER [SBN. 178683]
abm@robinsonwood.com
3 ROBINSON & WOOD, INC.
227 N 1st Street
4 San Jose, California 95113
Telephone: (408) 298-7120
5 Facsimile: (408) 298-0477

6 Attorneys for Defendant
FAYE KIMURA

4/5/2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

VAN KIM LAI, individually, and as Guardian
ad Litem for AMY WALL, a minor child,

Plaintiff,

VS.

KATHRYN VANHART, et al.,

Defendants.

Case No. C 09-05364 JW

**DEFENDANT FAYE KIMURA'S
REQUEST FOR CONTINUANCE OF
DEADLINES SET FORTH IN INITIAL
CASE SCHEDULING ORDER**

Trial Date: N/A

Defendant Faye Kimura respectfully requests a continuance of the deadlines set forth in the Court's Case Scheduling Order as well as continuance of the Initial Case Management Conference. Specifically with respect to the Court's Case Scheduling Order, Defendant Kimura seeks a continuance of meet and confer requirements pertaining to initial disclosures, settlement, ADR and discovery, the requirement to select an ADR process, and the requirement to file and serve a Rule 26(f) Report and Case Management Statement.

This request is brought because Defendant Kimura's counsel is currently unaware of the whereabouts of Plaintiff Van Kim Lai. Although documents have been served to the address last reported by Ms. Lai to this Court, those documents have been "returned to sender." Indeed, on March 22, 2010, this Court apparently also had its mail returned after attempted delivery to Ms. Lai. Thus, it

1 does not appear possible to timely comply with the Court's Scheduling Order pertaining to meeting
 2 and conferring, ADR, and Initial Disclosures.

3 Moreover, there are dispositive motions pending before this Court, set to be heard on April 12,
 4 2010 and June 7, 2010. Thus, at this time, it is not known what parties and issues will be involved in
 5 the case and it appears premature to provide the required selections and disclosures.

6 Given this situation, it would also appear premature to have a Case Management Conference
 7 on April 19, 2010.

8 Defendant Kimura suggests a continuance of these matters until after dispositive motions have
 9 been heard in June of 2010.

10 Although the undersigned has not had the opportunity to discuss this request with all parties,
 11 this request has been discussed with Lance Burrow, the attorney for Elizabeth Goodley. Mr. Burrow
 12 had advised that he concurs with this request for an extension of deadlines.

13 Dated: April 1, 2010

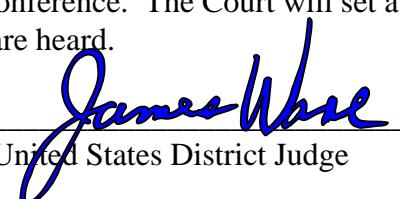
ROBINSON & WOOD, INC.

14
 15 By: _____/s/
 16 JESSE F. RUIZ
 17 ANNE BAILEY MILLER
 18 Attorneys for Defendant
 19 FAYE KIMURA

20 **IT IS SO ORDERED:**

21 The Court VACATES the April 12, 2010 Case Management Conference. The Court will set a
 22 further conference, as necessary, after the dispositive motions are heard.

23 Dated: April 5, 2010


 24 United States District Judge
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VAN KIM LAI, ET AL

Case Number: CV09-05364 JW

Plaintiff,

CERTIFICATE OF SERVICE

v.

KATHRYN VANHART, ET AL

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 5, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gordon Wall
6585 Radko Drive
San Jose, CA 95119

Kathryn Vanhart
212 Pinot Court
San Jose, CA 95119

Robert Vanhart
212 Pinot Court
San Jose, CA 95119

Van Kim Lai
834 Tumbleweed Dr.,
Salinas, CA 93905

Dated: April 5, 2010

Richard W. Wieking, Clerk

Elizabeth C. Garcia
By: Elizabeth C. Garcia, Deputy Clerk